

REMARKS/ARGUMENTS::

Claims 2 – 4, 6, 9 – 14, 16, 24 – 27, 29, 31, 33 – 35, 42 – 45 have been cancelled.

Claims 1 and 41 have been amended to incorporate the subject matter of claims 35 and 45, respectively, both of which were indicated to be allowable if rewritten to incorporate the subject matter of the claims from which they depend. Claims 1 and 41, and the claims that ultimately depend therefrom, are now limited to the five listed species of *Spartina*.

Claims 1, 5, 7, 8, 15, 17 – 23, 28, 30, 32, 36 – 41 and 46 – 62 are now in the case.

Election/Restrictions:

In the Action dated Dec. 22, 2003, the Office noted that claims 24 – 31 were canceled in paper number 4. With respect, it is maintained that such cancellation cannot be found. Rather, it is believed that the restriction of these claims was traversed, and claims 24 – 31 were withdrawn but not canceled. This was noted in the Office Action of April 22, 2003.

In the Response filed July 21, 2003, claims 29 and 31 were canceled, and claims 24 – 30 and 32 remained withdrawn. However, in this paper, claims 24 – 27 are canceled. Claims 28 and 30 remain withdrawn.

Claims 6, 34, 42 and 44 which had been withdrawn as being drawn to a non-elected species are now canceled.

Claims 28, 30 and 60 – 62 have been withdrawn as being drawn to non-elected subject matter. Each of these claims now depends from a claim that has been amended to be allowable. Accordingly, it is believed that each of these dependent claims is also allowable. This is because each of claims 28, 30 and 60 – 62 incorporates all of the limitations of claims which have been indicated to be allowable. No further searching of these claims should be required, because the added features that are described in the dependent claims are not required for patentability. Also, if the classification into which they might otherwise fit if they were independent claims

included subject matter that would affect the patentability of the base claims, then those locations should have been included in the original search. It is respectfully requested, therefore, that claims 28, 30 and 60 – 62 be rejoined with the claims now in the case and be passed to allowance.

In the alternative, if it is deemed that claims 28, 30 and 60 – 62 cannot be rejoined with the claims now in the case, the Applicant is of the opinion that claims 28, 30 and 60 – 62 could be canceled in order for the allowed claims to pass to issue. The undersigned attorney would welcome a telephone call from the Examiner to resolve this issue if necessary.

Objection to claims 33 and 35 due to informalities:

Claims 33 and 35 have been cancelled. Therefore, the objection is now moot, and it is respectfully requested that it be withdrawn.

Rejection of claims 1, 5, 21, 41 and 59 under 35 USC §102(b) as anticipated over the reference by Mendoza *et al.*

Claims 1 and 41 have been amended to limit the scope to five listed *Spartina* species, which were signified in the most recent Action as being allowable. It is believed that Mendoza *et al.* do not teach the claimed subject matter from these species. It is maintained, therefore, that claims 1 and 41 and the rejected claims that depend therefrom are not anticipated by Mendoza *et al.* and it is respectfully requested that the rejection be reconsidered and be withdrawn.

Rejection of claims 15, 17, 36 – 40 and 48 – 54 under 35 USC §103(a) as obvious over Mendoza *et al.* in view of Mantell *et al.*

Claims 15, 17 and 36 – 40 depend ultimately from claim 1, and claims 48 – 54 depend ultimately from claim 41. The patentability of claims 1 and 41 has been previously discussed. It is believed, therefore, that the claims that depend from claim 1 and claim 41 are also now allowable. It is respectfully requested that the present ground of rejection be reconsidered and be withdrawn.

Rejection of claims 7, 8, 46 and 47 under 35 USC §103(a) as obvious over Mendoza *et al.* in view of Mantell *et al.* and further in view of Hartmann *et al.*, Linder *et al.*, or Barro *et al.*

Claims 7 and 8 depend ultimately from claim 1, and claims 46 and 47 depend ultimately from claim 41. The patentability of claims 1 and 41 has been previously discussed. It is believed, therefore, that the claims that depend from claim 1 and claim 41 are also now allowable. It is respectfully requested that the present ground of rejection be reconsidered and be withdrawn.

Rejection of claims 15, 17, 36 – 40 and 48 – 54 under 35 USC §103(a) as obvious over Mendoza *et al.* in view of Gallagher *et al.* and Meagher *et al.*

Claims 15, 17 and 36 – 40 depend ultimately from claim 1, and claims 48 – 54 depend ultimately from claim 41. The patentability of claims 1 and 41 has been previously discussed. It is believed, therefore, that the claims that depend from claim 1 and claim 41 are also now allowable. It is respectfully requested that the present ground of rejection be reconsidered and be withdrawn.

Allowable subject matter:

It is respectfully noted that claims 35 and 45 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 35 depends from claim 1 and claim 45 depends from claim 41. Claim 1 and claim 41 have been amended, as discussed above, to incorporate the limitations of claims 35 and 45, respectively.

Claims 33, 35, 43 and 45 have been cancelled.

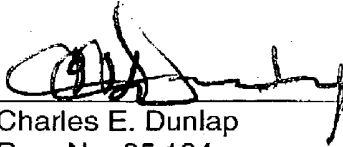
Request for reconsideration:

It is respectfully requested that the claims be reconsidered in view of the amendments described above and be found to be allowable. If one or more of the claims are found to not be allowable, a telephone call to the undersigned would be appreciated in order to resolve any remaining issues.

Respectfully submitted,

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